

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, March 15, 2004
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Green called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Coerper, Hardy, Green, Boardman, Cook (Sullivan arrived at 5:04 p.m., Houchen arrived at 5:04 p.m.)

Absent: None

The Following Additional Late Communications Were Submitted During the Meeting:

Late Communication submitted by Thomas M. Cota Chief, Southern California Cleanup Operations Branch, Department of Toxic Substances Control, dated March 2004 and titled *New studies at the Ascon Landfill site* was distributed at the Study Session portion of the meeting.

(City Council) Study Session Held – Presentation Made by the Fire Department and the Department of Toxic Substances Control Re: Former Ascon Landfill Briefing on Pending Field Program and Future Activities - Community Meetings Planned to be Held 12 Months from the Date of this Study Session (810.20)

Fire Chief Duane Olson introduced Thomas M. Cota, Chief, Southern California Cleanup Operations Branch, Department of Toxic Substances Control. Mr. Cota presented an overview of the Ascon Landfill and stated the goal of this briefing is to describe a pending field program and inform Council of proposed future developments at the Ascon Landfill project.

Fire Chief Duane Olson reported having walked the former Ascon Landfill site to perform an inspection. Chief Olson described recent improvements made regarding security at the site and stated the fencing is well done in terms of security.

Mr. Cota presented the PowerPoint slide report titled *Former Ascon Landfill Briefing for City of Huntington Beach March 15, 2004 by Thomas M. Cota Chief, Southern California Cleanup Operations Branch, Department of Toxic Substances Control, Cypress, CA* which was included in the agenda packet.

Mr. Cota announced two oil company entities have purchased the existing Ascon site and he stated they are determined to clean up the area for proposed future land use. He informed Council that feasibility studies are scheduled to be completed in May 2004.

Mr. Cota introduced the Project Manager, Ms. Christine Chiu, who he stated will be evaluating all plans with the protection of the community and the environment in mind.

Mr. Cota described several proposed phases of cleanup projects concerning the existing Ascon site regarding: 1) removal of waste materials; 2) site testing and sampling; 3) dust suppression and control of odors; 4) emission mitigation for the surrounding community; and 5) groundwater investigation. He informed Council of further evaluation relative to the treatment and transportation of waste materials, i.e., possibly a transfer station to reduce impact.

Councilmember Boardman asked Mr. Cota how the community is being made aware of their cleanup investigation and mitigation measures. Mr. Cota stated there will be a mailing to advise residents of public meetings planned in twelve months from the date of this Study Session.

Councilmember Houchen addressed if the community mailing lists are current. She recommended sending a mailer to residents that will describe what the neighbors can expect once the investigation is conducted.

Mr. Cota stated the mailing list addresses would be updated and notices would be sent to residents within a certain radius of the existing Ascon site.

Mr. Cota distributed a Late Communication titled *New Studies at the Ascon Landfill Site*, which Assistant City Clerk Liz Ehling announced would be made available to the public the next day at the City Clerk's Office.

Mr. Cota responded in answer to Mayor Pro Tem Hardy's inquiry concerning proposed truck trips that the traffic routes recommended by the City for the removal of waste materials would be considered.

Councilmember Coerper inquired regarding trenching of groundwater, to which Ms. Chiu reported that concerns about maximum depth for boring will be investigated.

Mr. Cota stated the pilot study needs to be enlarged to obtain more information on the proposed clean up. The next meeting timeline given, as announced by Mr. Cota, was to be within the next twelve months and would include a draft plan with mitigation measures in mind. He stated the proposed cleanup will take two to three years and a master schedule will be provided in the near future.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Boardman to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen (Hardy out of room)

Absent: None

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Mayor Green asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

Pledge of Allegiance – On March 12, 1912, the first Girl Scout Troop was registered. In honor of the Girl Scouting Birthday, the Huntington Beach Girl Scout Flag Unit conducted a special flag ceremony. The Unit is made up of Girl Scouts from eleven different troops in Huntington Beach (Brownies, Junior, Cadets and Senior Scouts), who practice monthly and perform for many different groups and organizations. This month they will be performing for the Girl Scout Council of Orange County at Disney's Grand Californian.

Invocation – by R. Marshall Tanner, Church of Latter Day Saints

The Assistant City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehling announced Late Communications regarding agenda items that had been received by the City Clerk's Office following distribution of the agenda packet:

Communication submitted by Thomas M. Cota Chief, Southern California Cleanup Operations Branch, Department of Toxic Substances Control, dated March 2004 and titled *New studies at the Ascon Landfill site* was distributed at the Study Session portion of the meeting and previously announced by Assistant City Clerk Liz Ehling.

Communication from the City Clerk's Office correcting a copying error on page C-1a.9 of the Council Committee Report, which omitted the last printed line that reads "survey to the adjacent residents, informing them of the scheduled work by their neighbor, and".

Communication submitted anonymously dated March 15, 2004 (untitled) in favor of the City Tree Removal/Replacement Policy.

Communication submitted by David and Gale Licata dated March 10, 2004 and titled *Condition(al) Use Permit No. 03-42 (Langenbeack (sic) Park Wireless Communication Facility)* stating their opposition to the Planning Commission approval of the CUP.

Communication submitted by Tina, Stephanie, Derek and Kyle Smith dated March 11, 2004 and titled *Appeal of the Planning Commission's Approval of Conditional Use Permit No. 03-42 (Langenbeck Park Wireless Combination Facility)* stating their opposition to the Planning Commission approval of the CUP.

Communication submitted by Douglas and Bernadette Jackson dated March 13, 2004 (untitled) of a petition signed by eleven residents requesting Council denial of the Planning Commission approval of Conditional Use Permit No. 03-42.

Communication submitted by the City Attorney dated March 15, 2004 titled *Late Communication City Council Meeting of March 15, 2004 Agenda Item Number E-9* amending the recommended action.

Presentation made by Mayor Cathy Green, Councilmember Gil Coerper, Police Chief Kenneth Small and Sergeant Michael Metoyer who presented Senior Officer Russ Reinhart with a plaque honoring him for his years of service on the Board of Directors of the California Peace Officers' Memorial Foundation. The Foundation was established to honor and remember police officers who have died in the line of duty. Mayor Cathy Green announced that Councilmember Coerper initiated the Foundation and his name is prominently displayed in Sacramento. Police Chief Kenneth Small encouraged citizens to visit the California Peace Officers' Memorial at the capitol in Sacramento. (160.40)

Presentation made by Reverend Peggy Price from the Greater Huntington Beach Interfaith Council who presented to Mayor Cathy Green a framed memorial collage plaque depicting the Procession of Light, in honor of the fifth year of the event. President Marshall Tanner co-presented the collage that represents the diversity of faith. Reverend Price stated that the Interfaith Council encourages houses of worship to work together and spoke regarding her appreciation of Huntington Beach city leadership. (160.40)

Presentation made by Steve Tedesco of Tetra Tech who presented the Engineering Project Achievement Award for the Springdale Reservoir, on behalf of the Orange County Engineering Council, to Mayor Cathy Green and Public Works Director Robert Beardsley. Mr. Tedesco announced the week of February 22, 2004 to February 28, 2004 as Engineering Week. (160.40)

Mayor's Award presented by Mayor Cathy Green and Building and Safety Director Ross Cranmer to Building Inspector III Mark Carnahan. Director Cranmer thanked Inspector Carnahan for his outstanding people skills, dedicated service to the community and for going above and beyond the call of duty. He awarded Inspector Carnahan for, among other things, his quality customer service and for the certification of his skills throughout his career. (160.40)

Public Comments

Barbara Boskovitch expressed her gratitude to the Public Works Commission, staff and Council and urged Council approval of the Consent Calendar agenda items relative to proposed traffic signals.

James Tarwater spoke in support of the Consent Calendar agenda items relative to proposed traffic signals and thanked Council for considering a traffic signal near Lake View School. Dr. Tarwater spoke regarding his belief concerning the importance of reciting the Pledge of Allegiance and what it represents for him.

Pauline Tressler, Principal of Circle View School, expressed her concern regarding a fatal vehicular accident at Slater Avenue in the vicinity of Lake View Elementary School. She thanked Council for consideration of a proposed pedestrian traffic light near the school. Ms. Tressler spoke in favor of the Consent Calendar agenda items concerning proposed traffic signals.

Derrick Quan commented in favor of the Consent Calendar item relative to a proposed traffic signal installation on Slater Avenue. Mr. Quan urged Council to approve the installation of a proposed traffic signal on Slater at Geraldine Lane near Lake View School.

Phuong Quan spoke regarding a fatal accident at Slater Avenue in the vicinity of Lake View School. Ms. Quan requested Council approval of a proposed traffic signal at Slater Avenue and Geraldine Lane.

Tom Potwora, Principal of Lake View School, described a student's fatal vehicular accident. He thanked Public Works Transportation Manager Bob Stachelski and the Planning Commission for their work concerning the proposed installation of a traffic signal at Slater Avenue and Geraldine Lane. Mr. Potwora stated his belief that the proposed signal will also benefit citizens who visit Lake View Park and Lake View Clubhouse and urged Council to approve the Consent Calendar agenda item.

Monica Hamilton, representing Huntington Beach Tomorrow, spoke in appreciation of the efforts on behalf of "No on Measure E." She invited everyone to attend the Huntington Beach Tomorrow meeting on March 18, 2004 at 7:00 p.m. in Room B-8. Ms. Hamilton announced the meeting speakers would be State Assemblyman Tom Harman, Mayor Cathy Green and Assistant City Administrator William Workman.

Tim Geddes spoke regarding what he described as grass roots efforts of the community, which he stated led to the defeat of Measure E, the Districting Initiative placed on the ballot at the March 2, 2004 Special Municipal Election.

"Firecracker" Westwell, representing the Libertarian Party, spoke regarding "Safe and Sane" fireworks and described the failure of Measure D in Buena Park. Mr. Westwell stated his support for the legalization of "Safe and Sane" fireworks in the City of Huntington Beach.

Leonard Crane spoke regarding the Community Development Block Grant (CDBG) Program and the Community Health Care Clinic, which he stated needs said funding. Mr. Crane informed Council of his plans to speak with Police Chief Kenneth Small with regards to Homeland Security.

(City Council) Approved Request to Bring Forward Agenda Item Submitted by the Public Works Director to Evaluate Traffic Safety and Approve Installation of a Traffic Signal at the Intersection of Geraldine Lane and Slater Avenue (Area Adjacent to Lakeview Elementary School) – and to Direct Staff to Complete Design and Authorize Advertisement of Construction Bids (580.50)

Councilmember Boardman requested that this Consent Calendar agenda item be brought forward as the first agenda item to be considered at the meeting due to the large number of people from the community in attendance with interest in the proposed traffic signal.

A motion was made by Boardman, second Cook, to move forward to this portion of the meeting, consideration of the Consent Calendar agenda item to Evaluate Traffic Safety and Approve Installation of a Traffic Signal at the Intersection of Geraldine Lane and Slater Avenue (Area Adjacent to Lakeview Elementary School) and to Direct Staff to Complete Design and Authorize Advertisement of Construction Bids. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: None

(City Council) Evaluated Traffic Safety and Approved Installation of a Traffic Signal at the Intersection of Geraldine Lane and Slater Avenue (Area Adjacent to Lakeview Elementary School) – Directed Staff to Complete Design and Authorized Advertisement of Construction Bids (580.50)

Councilmember Boardman stated this item is a recommendation from the Department of Public Works and the Public Works Commission to confirm the need for and approve the installation of a traffic signal on Slater Avenue approximately 120 feet east of Geraldine Lane.

Public Works Director Robert F. Beardsley stated the proposed traffic signal installation is planned for completion before the fall school semester begins in September 2004, in response to Councilmember Coerper's inquiry.

A motion was made by Boardman, second Coerper to:

1. Confirm the need for, and approve the installation of a traffic signal to accommodate pedestrian crossings on Slater Avenue approximately 120 feet east of Geraldine Lane;

and

2. Approve findings that the traffic signal be considered the highest current priority installation at this time based on the additional processes required to complete the locations ranked numbers 1 and 2;

and

3. Direct staff to complete design and authorize the Director of Public Works to advertise for bids for construction.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: None

(City Council) Approved the Beautification, Landscape and Tree Committee (BLT) and Environmental Board Recommendations Re: City Tree Removal and Replacement Policy for Residential Homeowners (100.10)

The City Council considered a communication from Councilmember Gil Coerper transmitting the following **Statement of Issue**: The Beautification, Landscape and Tree Committee (BLT) has presented revisions to the City Tree Removal/Replacement Policy to the Environmental Board on February 5, 2004, as requested at the January BLT Committee meeting. The Board approved the amendments to the Policy and submitted a letter outlining their support as well as areas of concern.

Attached to this report is information detailing the options and discussion regarding the proposed revised policy.

Councilmember Coerper reported on the proposed process for tree removal and the proposed replacement policy for residential homeowners.

Public Works Director Robert F. Beardsley reported regarding damage conditions and trip hazards.

Councilmember Sullivan clarified that the position of the Environmental Board was to support the position of the Beautification, Landscape and Tree Committee (BLT).

A motion was made by Coerper, second Sullivan to allow residents to remove street trees that are diseased or causing damage; repair and replace the adjacent sidewalk, curb and gutter as necessary; and replace the tree with one of the City's approved species. All work would be at the homeowner's expense and a public right-of-way encroachment permit will be required. The permit can be obtained without a fee from the Public Works Department.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: None

(City Council) Approved a Motion Substituting the Recommendation Made by the Beautification, Landscape and Tree Committee (BLT), Downtown Economic Development Committee (DEDC), and the Design Review Board (DRB) by Approving Downtown Main Street Tree Replacement and Removal of 44 Trees with \$7,500 from Redevelopment Agency Funds on the Contingency that Downtown Business Owners Match \$7,500 for Cost Sharing (100.10)

The City Council considered a communication from Councilmember Gil Coerper transmitting the following **Statement of Issue**: At the February 24, 2004 meeting of the Beautification, Landscape and Tree Committee (BLT), the Committee recommended approval of the removal of forty-four Majestic Beauty street trees on Main Street in the downtown area. Queen palms, or a similar palm variety, will replace the trees. The Downtown Economic Development Committee (DEDC) and the Design Review Board (DRB) have also approved the proposed action. Attached to this report is information detailing the options and discussion regarding the Main Street tree replacement.

Councilmember Coerper reported on the status of the proposed tree replacement. He inquired if shrubs could be potentially hazardous.

Public Works Director Robert F. Beardsley reported on the proposed removal of thirty-six healthy trees, which he stated are not conducive to Main Street uses such as pedestrian activity and outdoor dining. He reported in the downtown community these trees are esthetically undesirable and could possibly be a safety hazard.

Councilmember Boardman voiced her opposition to replacing trees that are not dead. She stated her belief that replacement of trees that are healthy but undesirable for esthetic reasons contradicts the current Council policy and the city tree removal policy.

Councilmember Cook addressed budget issues in opposition to approval of the removal of 44 trees.

Further discussion ensued on the removal of all 44 trees.

Deputy Public Works Director Paul Emery informed Council in response to the inquiry that the cost to remove and replace the eight diseased/dead trees and thirty-six healthy trees within 60 days is not to exceed \$15,000.

Prior to voting on a substitute motion, the original motion as set forth on the agenda is as follows:

Replacement of the trees is necessitated by the death/disease of eight of the Majestic Beauty trees. At this time, the reason for the decline of the species cannot be determined. Each of the advisory bodies recommends replacement of all of the Majestic Beauty trees in order to promote the appearance of continuity along Main Street. This action did not require an amendment to the Downtown Design Guidelines; however, it did require an application for approval.

A **substitute motion** to replace all 44 trees was made by Sullivan, second Hardy: to approve \$7,500 from Redevelopment Agency funds on the contingency that Downtown Business Owners would match with \$7,500.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Houchen

NOES: Boardman, Cook

ABSENT: None

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's January 2004 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for January 2004.

City Treasurer Shari Freidenrich reported and gave a PowerPoint slide presentation titled *Treasurer's Report – Shari L. Freidenrich, CPA, CCMT, CMFA – January Treasurer's Report – Shari L. Freidenrich, CPA, CCMT, CMFA, March 15, 2004* which was included in the agenda packet.

City Treasurer Freidenrich stated the interest rate is 2.63% and continues to decline.

A motion was made by Coerper, second Hardy to review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for January 2004*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

(City Council) Public Hearing Held to Consider Appeal Filed by Councilmember Connie Boardman of the Planning Commission's Approval of Application Filed by AFL Telecommunication of Conditional Use Permit No. 03-42 (Langenbeck Park Wireless Communications Facility Located 19241 Magnolia Street w/s of Magnolia Street, s/o Garfield Avenue) – Upheld Planning Commission's Decision of Approval of Conditional Use Permit No. 03-42 as Amended with Four Additional Conditions: 1) No Building; 2) Vines to Cover Structure; 3) Structure and Equipment to be Removed Within Thirty Days of Disuse; and 4) No Security Lighting (420.40)

The City Council considered a communication from the Planning Department.

Mayor Green announced that this was the time noticed for a public hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit No. 03-42 (Langenbeck Park Wireless Communications Facility).

Applicant: AFL Telecommunications

Appellant: Councilmember Connie Boardman

Request: To install a wireless communications facility consisting of three antenna arrays attached to an existing Southern California Edison tower at a height of 43 feet, and a 185 square foot, 10-foot–7-inches tall equipment enclosure located at grade below the tower.

Location: 19241 Magnolia Street (west side of Magnolia Street, south of Garfield Avenue)

Environmental Status: Notice is hereby given that this Item is categorically exempt from the provisions of the California Environmental Quality Act.

Communication in opposition to the appeal submitted by AFL Communications dated March 9, 2004 and titled *CUP #03-42 ("Permit") Request to Uphold Planning Commission Permit Approval* was included in the agenda packet.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Councilmember Connie Boardman, appellant, reported the reason she appealed the Planning Commission's approval of Conditional Use Permit (CUP) No. 03-42 which was to provide residents a chance to be heard by the City Council.

Assistant Planner Ron Santos presented a PowerPoint slide report titled *Appeal of Planning Commission's Approval of: Conditional Use Permit No. 03-42 (Langenbeck Park Wireless Communication Facility)* which was included in the agenda packet.

Administrative Services Director Clay Martin reported on cost issues relative to Southern California Edison as a service provider.

Planning Director Howard Zelefsky reported that five parks throughout the City have towers.

Mayor Green declared the public hearing open.

Prior to announcing the public speakers, Assistant City Clerk Liz Ehring restated for the record the following Late Communications which pertain to this public hearing:

Communication submitted by David and Gale Licata dated March 10, 2004 and titled *Condition(al) Use Permit No. 03-42 (Langenbeack (sic) Park Wireless Communication Facility)* stating their opposition to the Planning Commission approval of the CUP.

Communication submitted by Tina, Stephanie, Derek and Kyle Smith dated March 11, 2004 and titled *Appeal of the Planning Commission's Approval of Conditional Use Permit No. 03-42 (Langenbeck Park Wireless Combination Facility)* stating their opposition to the Planning Commission approval of the CUP.

Communication submitted by Douglas and Bernadette Jackson dated March 13, 2004 (untitled) of a petition signed by eleven residents requesting Council denial of the Planning Commission approval of Conditional Use Permit No. 03-42.

Bernadette Jackson spoke in opposition to the Planning Commission's approval of Conditional Use Permit (CUP) No. 03-42. Ms. Jackson stated her belief that the quality of life for residents near Langenbeck Park would be adversely affected by the proposed masonry equipment enclosure.

Gale Licata spoke in opposition to the proposed equipment enclosure, proposed security light and proposed fans at Langenbeck Park. She stated her belief that the approval may lead to construction of more equipment enclosures in existing city parks. Ms. Licata stated her concern regarding public safety when maintenance vehicles enter the park.

Suzanne Gatti, representing the applicant and on behalf of Cingular Wireless, stated the proposed facility located in Langenbeck Park is in full compliance with land use designations in the city's General Plan. She stated that Cingular Wireless is amenable to modifications set forth by the City Council. Ms. Gatti thanked Council for its consideration and requested that they uphold the Planning Commission's approval of Conditional Use Permit No. 03-42.

Suzanne Gatti responded to Council inquiries concerning: 1) air conditioning of proposed buildings; 2) proposed alternate commercial locations; and 3) proposed landscaping.

David P. Licata spoke in opposition to the Planning Commission's approval of Conditional Use Permit (CUP) No. 03-42, stating his belief that the quality of life would be adversely affected by the proposed facility in Langenbeck Park. He stated his opposition for safety reasons of maintenance vehicles driving into the park. Mr. Licata asked Council to relocate the proposed facility to a commercial area.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Boardman, second Sullivan to approve Conditional Use Permit No. 03-42 to permit the Langenbeck Park Wireless Communications Facility with Findings and Conditions of Approval (**Attachment No. 1 – to follow immediately after this item *) as amended** that: 1) there not be a building; 2) vines be included in the coverage; 3) if applicant no longer needs facility, the structure and equipment be removed within 30 days; and 4) that security lighting not be used.

The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Houchen
 NOES: Coerper, Hardy, Cook
 ABSENT: None

Attachment No. 1*

Findings for Approval

Conditional Use Permit No. 03-42

(See the end of this set of minutes for the Attachment that matches to reflect what occurred at this meeting as shown in this set of minutes.)

~~Findings for Projects Exempt from CEQA:~~

~~The City Council finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the installation of a small new facility and structure and associated equipment.~~

~~Findings for Approval – Conditional Use Permit No. 03-42:~~

- ~~1. Conditional Use Permit No. 03-42 to install a wireless communications facility, consisting of three (3) antenna arrays attached to an existing Southern California Edison tower at a height of 43 ft. and a 185 sq. ft. chain link fence equipment enclosure located at grade, below the tower, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed facility will not generate noise, traffic, demand for additional parking or other impacts detrimental to surrounding property.~~

~~The conditional use permit will be compatible with surrounding uses because the proposed facility will be located on and adjacent to existing Southern California Edison transmission towers, on an existing SCE right-of-way. The design of the facility, which features antennas painted to match the tower to which it is attached, will ensure the compatibility of the proposed facility with surrounding uses.~~

- ~~2. The proposed Conditional Use Permit No. 03-42 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance including the provisions of HBZSO Section 230.94 — Wireless Communications Facilities.~~
- ~~3. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL (Residential Low-Density) on the subject property, pursuant to the provisions of the Huntington Beach Zoning and Subdivision Ordinance Section 230.96, which serves to implement the General Plan. In addition, it is consistent with the following goals and policies of the General Plan:~~
 - ~~— L.U. 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure and public services.~~
 - ~~— U.D. 2.2: Minimize the visual impacts of oil production facilities and other utilities where they encroach upon view corridors or are visually incompatible with their surrounding uses.~~
 - ~~— U. 5.1: Ensure that adequate natural gas, telecommunications and electrical systems are provided.~~
 - ~~— U. 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.~~
 - ~~— RCS 8.1.4: Revenue generating facilities shall be encouraged where appropriate in the future design and programming of parks.~~

~~The proposed facility will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity. In addition, the proposed co-location of antennas with an existing transmission tower, and the use of chain link fencing with slats and vines to screen equipment cabinets, will minimize the project's visual impacts. The proposed facility will generate lease revenue for the City which may be used to fund park acquisition, maintenance, recreations programs and facilities and other City services.~~

Conditions of Approval — Conditional Use Permit No. 03-42:

- ~~1. The site plan, floor plans, and elevations received and dated November 3, 2003, shall be the conceptually approved layout with the following modifications:~~
 - ~~a. A chain link enclosure with slats shall be used to screen equipment, in lieu of the proposed masonry enclosure.~~
 - ~~b. Vines shall be planted along the perimeter of the equipment enclosure.~~
- ~~2. The proposed wireless communications facility may be serviced only between 7:00 a.m. and 5:00 p.m., except as necessary for emergency purposes.~~

Indemnification and Hold Harmless Condition:

~~The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.~~

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Methodology and Traffic Signal Priority Ranking Method (Presented to and Approved by the Public Works Commission)

(City Council) Utilities Tax Audit of Verizon Wireless Re: Drop-Off in the Utilities Tax Monthly Payments – City Council to Receive the Business Records Pursuant to the Subpoena

Consent Calendar – Items Approved

On motion by Coerper, second Hardy Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: None

ABSTAIN: Coerper on March 1, 2004 and Houchen on February 23 and March 1, 2004 minutes due to absence.

(City Council/Redevelopment Agency) Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of February 17, 2004; Special Meetings of February 23, 2004 and Regular Meetings of March 1, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved the Restated and Amended Joint Powers Agreement (JPA) Between the City of Huntington Beach and the Public Cable Television Authority (PCTA) (600.40) – Approved and authorized the Mayor and City Clerk to execute the *Restated and Amended Joint Powers Agreement - Public Cable Television Authority* between the City of Huntington Beach and the Public Cable Television Authority. Submitted by the City Administrator. Funding Source: Not Applicable.

(City Council) Adopted Resolution No. 2004-16 – Approving Application for State Grant Funds for the Roberti-Z’Berg Harris Urban Open Space and Recreation Program Under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 – Anticipated to be Used for Huntington Beach High School Pool Rebuild, Tot Lot Replacement Program, and Murdy Park Reconfiguration Program (340.80) – Adopted Resolution No. 2004-16 *“Resolution of the City Council of the City of Huntington Beach Approving the Applicant to Apply for Grant Funds for the Roberti-Z’Berg-Harris Urban Open Space and Recreation Program Under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000.”* Submitted by the Community Services Director. Funding Source: \$580,290 - State of California, 2000 Park Bond Act; 30 percent city match from Park Acquisition & Development Fund (PA & D) of \$174,087. Funding for match in Murdy Park Reconfiguration account.

(City Council) Approved a One Time Total Compensation of \$991.18 for Interim Detention Administrator to Senior Detention Officer Woolever (720.20) – 1. Approved the salary upgrade from Senior Detention Officer, range 469, Step E (\$4856 Monthly) to \$5123.08 monthly for the period he worked as the Interim Detention Administrator; and **2.** Authorized the one time, total compensation of \$991.18 in salary to Interim Detention Administrator Woolever. Submitted by the Chief of Police. Funding Source: Budgeted in the current fiscal year, 2003-2004 in the Jail Business Unit Account.

(City Council) Approved Contract Between the City of Huntington Beach and City of Pomona for Use of the Pomona Police Pistol Range for Motor Officer Firearms Training – Authorized Expenditure of Funds (600.40) – 1. Approved and authorized the Mayor and City Clerk to execute the contract titled *Agreement* between the City of Huntington Beach and the City of Pomona; and **2.** Authorized the Chief of Police to expend up to \$350.00 annually for motor officer firearms training. Submitted by the Chief of Police. Funding Source: Budgeted in the current fiscal year 2003-2004 in the Police Training Unit Account.

(City Council) Appropriated the Expenditure of Funds for Contracted Development Processing Services to Comply with Time Limits as Mandated by State Law (320.45) – 1. Appropriated funds in the amount of \$250,000 from the undesignated General Fund balance to Public Works Development Services; and **2.** Authorized the expenditure of an additional \$250,000 for professional services from Business Unit 10085251. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$250,000 will be appropriated from the General Fund balance to Public Works Development Services, Professional Services. Fees received for development processing services (new revenue) will offset the expense.

(City Council) Approved Methodology and Revised Traffic Signal Priority Ranking Method (Presented to and Approved by the Public Works Commission) (580.10)

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar to inquire how the traffic signal priority list was determined and how many years ago the priority list was established.

Public Works Director Robert F. Beardsley and Transportation Manager Bob Stachelski informed Council that staff prepared the report and the methodology was developed in 2000.

Councilmember Boardman inquired how this list differs from the previous one in reference to page E-16.13.

Director Beardsley reported regarding assignment of weights to signals.

A motion was made by Coerper, second Boardman to:

1. Approve the methodology presented as approved by the Public Works Commission for developing a recommended traffic signal priority list;

and

2. Approve the revised traffic signal priority ranking based on the updated methodology and updated traffic accident information.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: None

(City Council) Approved as Amended (by a Late Communication from the City Attorney) the Utilities Tax Audit of Verizon Wireless Re: Drop-Off in the Utilities Tax Monthly Payments – City Council Authorized the Tax Administrator/Finance Officer to Reissue the Business Records Subpoena to Verizon Wireless Pursuant to Huntington Beach Municipal Code Section 3.36.200(b) (600.10)

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar to receive clarification concerning the decrease in monthly payments of utilities from Verizon Wireless.

City Attorney Jennifer McGrath responded that the agenda item is a request for Council to authorize a subpoena to facilitate an audit of the business records of Verizon Wireless regarding the decrease in revenue.

A motion was made by Coerper, second Hardy to:

Approve **as amended** by the Late Communication announced earlier which was submitted by the City Attorney dated March 15, 2004 and titled *Late Communication City Council Meeting of March 15, 2004 Agenda Item Number E-9*. Said Late Communication revises the recommended action to read, "That the City Council authorize the Tax Administrator/Finance Officer to reissue the business records subpoena to Verizon Wireless pursuant to Huntington Beach Municipal Code Section 3.36.200(b)."

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: None

(City Council) Approved City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (640.90)

The City Council considered a communication from Mayor Pro Tem Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members Councilmember Gil Coerper and Councilmember Dave Sullivan transmitting the following **Statement of Issue**: Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the State Legislature, a regional body or to be put on a ballot for approval by the voters?

Mayor Pro Tem Hardy read part of the description of AB 1791 concerning internet sales tax. She stated that because internet sales are not taxed local governments are losing tax revenue.

Mayor Pro Tem Hardy reported on SB 2442, recommending that the bill be watched by Council because it is new and could change.

Assistant City Clerk Liz Ehring requested clarification for the record if Council wanted to address this agenda item with two separate votes.

Mayor Cathy Green confirmed Council would vote separately on each bill.

A motion was made by Coerper, (second inaudible) to:

Oppose AB 1791 (Chevez) Internet Tax – as introduced – Extending the State's Moratorium on Internet Sales Tax. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Boardman, Cook, Houchen

NOES: Green

ABSENT: None

Watch SB 2442 (Harman) Property Tax – State Assessed Taxes – as introduced – Clarifying that local governments have standing before the Board of Equalization (BOE) when the board hears a review, equalization, or adjustment of an assessment for electric generating facilities located within the local government's jurisdiction. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Hardy, Boardman, Cook, Houchen

NOES: Coerper

ABSENT: None

(City Council) Received and Filed the Periodic Update to the City Council on the Progress and Anticipated Timeline of the Howard Jarvis Property Tax Override Refund Claim Processing – Further Reports to be Furnished During the Upcoming Three Council Meetings (600.05)

The City Council considered a communication from the City Administrator transmitting the following **Statement of Issue**: Periodic update to the City Council of the progress of property tax override claims processing.

City Administrator Ray Silver reported that this agenda item is in response to Council direction at the March 1, 2004 meeting requesting a report on claim processing.

Principal Administrative Analyst Peter Grant orally reported regarding the continuing process and the 800 toll free number to be activated in the near future for citizens to access for answers. Mr. Grant provided: 1) an update on the number of refund claims received; 2) the status of major project milestones; and 3) the anticipated project timeline.

Principal Analyst Grant stated that staff would continue to keep Council informed relating to the project. He stated reports were to be furnished to Council during next three Council meetings.

Councilmember Sullivan thanked staff for the excellent report with the suggestion to add the possible completion date.

Councilmember Sullivan voiced appreciation to the City Clerk's Office for its role in processing the tax claims.

A motion was made by Sullivan, second Hardy to receive and file the update.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

(City Council) Councilmember Houchen Announced the 2004 "Taste of Huntington Beach" to be Held at the Huntington Beach Hyatt Regency Spa and Resort (120.85)

Councilmember Pam Houchen announced the "Taste of Huntington Beach" at the Hyatt Regency Spa and Resort in the Huntington Room at 1:00 p.m. on Sunday March 28, 2004.

(City Council) Mayor Pro Tem Hardy Congratulated Huntington Beach High School Model United Nations (MUN) Students (120.85)

Mayor Pro Tem Jill Hardy congratulated the Huntington Beach High School Model United Nations (MUN) students who earned the 25th Delegation Award received at the University of California at Berkeley.

(City Council) Councilmember Coerper Announced that His Son Returned Safely from Active Duty in Iraq (120.85)

Councilmember Gil Coerper announced that his son came home from Iraq with two hundred and seventy soldiers who served approximately one year. He stated his son received the Bronze Star and will be married on March 27, 2004.

(City Council) Councilmember Coerper Welcomed and Thanked Police Chief Kenneth Small (120.85)

Councilmember Gil Coerper welcomed Police Chief Kenneth Small and thanked him for being the Police Chief of Huntington Beach.

(City Council) Mayor Green Extends Anniversary Wishes and St. Patrick's Day Wishes
(120.85)

Mayor Cathy Green extended Happy Anniversary wishes to Dr. Green. She wished everyone a Happy St. Patrick's Day.

(City Council) Mayor Green Congratulated Ocean View Students (120.85)

Mayor Cathy Green congratulated twenty-four Ocean View School District sixth graders for participating in the essay contest.

Adjournment – City Council/Redevelopment Agency

Mayor Cathy Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Thursday, March 25, 2004, at 6:00 p.m., Council Chambers, Civic Center, 2000 Main Street Huntington Beach, California.

City Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach
and Clerk of the Redevelopment Agency
of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman

Please see Page 11

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 03-42

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The City Council finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the installation of a small new facility and structure and associated equipment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 03-42:

1. Conditional Use Permit No. 03-42 to install a wireless communications facility, consisting of three (3) antenna arrays attached to an existing Southern California Edison tower at a height of 43 ft. and a 185 sq. ft. chain link fence equipment enclosure located at grade, below the tower, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed facility will not generate noise, traffic, demand for additional parking or other impacts detrimental to surrounding property.
2. The conditional use permit will be compatible with surrounding uses because the proposed facility will be located on and adjacent to existing Southern California Edison transmission towers, on an existing SCE right-of-way. The design of the facility, which features antennas painted to match the tower to which it is attached, will ensure the compatibility of the proposed facility with surrounding uses.
3. The proposed Conditional Use Permit No. 03-42 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance including the provisions of HBZSO Section 230.94 – Wireless Communications Facilities.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL (Residential Low-Density) on the subject property, pursuant to the provisions of the Huntington Beach Zoning and Subdivision Ordinance Section 230.96, which serves to implement the General Plan. In addition, it is consistent with the following goals and policies of the General Plan:
 - L.U. 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure and public services.
 - U.D. 2.2: Minimize the visual impacts of oil production facilities and other utilities where they encroach upon view corridors or are visually incompatible with their surrounding uses.
 - U. 5.1: Ensure that adequate natural gas, telecommunications and electrical systems are provided.
 - U. 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.
 - RCS 8.1.4: Revenue generating facilities shall be encouraged where appropriate in the future design and programming of parks.

The proposed facility will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity. In addition, the proposed co-location of antennas with an existing transmission tower, and the use of chain link fencing with slats and vines to screen equipment cabinets, will minimize the project's visual impacts. The proposed facility will generate lease revenue for the City which may be used to fund park acquisition, maintenance, recreations programs and facilities and other City services.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 03-42:

1. The site plan, floor plans, and elevations received and dated November 3, 2003, shall be the conceptually approved layout with the following modifications:
 - a. A chain link enclosure with slats shall be used to screen equipment, in lieu of the proposed masonry enclosure.
 - b. Vines shall be planted along the perimeter of the equipment enclosure.
2. Lighting shall be prohibited at the facility.
3. The proposed wireless communications facility may be serviced only between 7:00 a.m. and 5:00 p.m., except as necessary for emergency purposes.
4. The facility shall be removed within 30 days of its discontinued use.

INDEMNICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.